SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition (S) No. 5764 of 2006

PETITIONER:

Raja Ram Lakra,
S/o Sani Ram Lakra,
Aged about 32 years,
Occupation: Service,
Presently posted as Assistant Teacher (Science) in Govt. Higher Secondary School, Odgi,
District: Surguja,
Permanent R/o Post: Jamgaon,
District: Surguja, Chhattisgarh.

P.R. No. 5801/06
Presented by Shri Purshottamdas Soni
dated 13/10/06

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Tribal Welfare Department,
Mantralaya, D.K.S. Bhawan,
Raipur, Chhattisgarh.

2. Assistant Commissioner,
Tribal Development,
Ambikapur, District: Surguja,
Chhattisgarh.

3. Collector, District: Surguja.
Chhattisgarh.

4. Principal,
Govt. Higher Secondary School,
Batouli, District: Surguja
Chhattisgarh.

5. Baijnath Ram,
Assistant Teacher,
Primary School, Girjapur,
Shankargarh, District: Surguja,
Chhattisgarh.

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OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA
13/10/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5764 OF 2006

Petitioner : Raja Ram Lakra

Versus

Respondents : State of Chhattisgarh and others

Present : Mr. Sunil Tripathi, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for respondents No.1 to 4.

ORDER
(Passed on 27th of October, 2006)

The petitioner was working as Lab Assistant. While working as Lab Assistant in Higher Secondary School, Batouli, he was transferred by order dated 7-7-2006 (Annexure P-3) to Primary School, Resra Odgi. The petitioner challenged the order dated 7-7-2006, whereby the above-stated transfer of the petitioner was made on the ground that the petitioner had been transferred to Primary School, Resra Odgi where there was no post of Lab Assistant.

2. This Court, having heard learned counsel for the parties granted liberty to the petitioner to make a detailed representation to the Collector, Surguja and the operation of the impugned order dated 7-7-2006 was stayed till the disposal of the representation of the petitioner

before the Collector, Surguja. The Collector, Surguja, by order dated 7-10-2006 (Annexure P-5), after having considered representation of the petitioner, modified the earlier order and transferred the petitioner to Government Higher Secondary School, Odgi in place of Primary School, Resra Odgi on the post of Assistant Teacher (Science). Learned counsel appearing for the petitioner submits that there is no post of Lab Assistant in the Higher Secondary School, Odgi also.

3. Be that as it may, the salary of the petitioner is protected and there is no other grievance of the petitioner except that there is no post of Lab Assistant in the new place of posting, i.e., Government Higher Secondary School, Odgi.

4. This matter is accordingly disposed of with a direction that respondent No.3 shall take steps to place the petitioner at a place where the post of Lab Assistant is available, keeping in view the fact that the service of the petitioner as Lab Assistant should not be wasted by posting him on the post of Assistant Teacher (Science). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal